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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AMOL S. PANDIT, WAN KUM WAI, and DANIEL J. BYME

Appeal 2009-002952
Application 10/695,571¹
Technology Center 2600

Decided:² July 24, 2009

Before ROBERT E. NAPPI, MARC S. HOFF,
and KARL D. EASTHOM, *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The real party in interest is Hewlett-Packard Development Company, LP.

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' invention concerns a camera docking station that includes a base coupled to a platform configured to dock a camera and configured to couple to the base such that the platform may be rotated relative to the base and about an axis of rotation (Spec. [4]).

Claim 1 is exemplary:

1. A system which docks a camera, comprising:
a base; and
a platform configured to dock with the camera and configured to couple to the base
such that the platform may be rotated relative to the base and about an axis of rotation.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Rudduck	US 2003/0075603 A1	Apr. 24, 2003
Takahashi	US 2004/0004671 A1	Jan. 8, 2004
Omps	US 7,163,181 B2	Jan. 16, 2007

Claims 1-4, 6, and 9-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahshi in view of Omps.

Claims 7, 8, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahshi in view of Rudduck.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the supplemental Appeal Brief (filed December 21, 2007), Reply Brief (filed April 30, 2008), and the Examiner's Answer (mailed March 24, 2008) for their respective details.

ISSUE

Appellants argue that Takahashi fails to disclose "a base and a platform configured to dock with the camera and configured to couple to the base such that the platform may be rotated relative to the base and about an axis of rotation" (App. Br. 5, Reply Br. 3-4).

The Examiner finds that Takahashi teaches each and every element of claim 1 (Ans. 11).

Appellants' contentions present us with the following issue:

1. Did Appellants show that the Examiner erred in holding that Takahashi teaches a base and a platform configured to dock with the camera and configured to couple to the base such that the platform may be rotated relative to the base and about an axis of rotation?

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

The Invention

1. According to Appellants, the invention concerns a camera docking station that includes a base 106 coupled to a platform 104 configured to dock a camera 102 and configured to couple to the base 106

such that the platform 104 may be rotated relative to the base 106 and about an axis of rotation 114 (Spec. [4]).

2. The camera docking station may include the legs 704 of a tripod 702 coupled to the base 708 (Fig. 7, Spec. [32]).

3. The camera docking station may include a pedestal platform 804 that is configured to display marketing devices using a connection to a computer having a display screen 912 (Fig. 8 and 9, [37-45]).

4. The camera docking station includes a camera connector member 402, connector 404 and wire connector 406 that serve as a coupling portion that couples base 106 and platform 104 (Fig. 4, [24-26]).

Takahashi

5. Takahashi teaches a camera docking station that includes a cradle 700 having a rotation system that includes a coupling portion 702 between the camera mounting unit 604 and the leg portion (base) 602, wherein the camera mounting unit 604 is mounted rotatably on the leg portion 602. Specifically, cradle 600 comprises a leg portion 602 functioning as a base (foundation) unit and a camera mounting unit 604 supported by the leg portion 602. The camera mounting unit 604 comprises a setup portion 605 formed as a hollow box to match the shape of the bottom portion of the digital camera 510 and a lower portion 606 formed as a semi-cylindrical unit having an arc portion downwards with the portions 605 and 606 being united into one body (Figs. 11, 13, and 14, [0098, 0111-0118]).

Omps

6. Omps teaches a camera docking station including a base 18, and a connector structure 28 which serves as a platform that may be rotated

relative to the base about an axis of rotation and the base is connected to a support system, such as a tripod 14 (Figs. 1 and 2, col. 4, l. 55 - col. 5, l. 48).

Rudduck

7. Rudduck teaches a display console including a pedestal platform 12 for docking or placing merchandise, wherein the pedestal platform includes a display 80 (Figs. 1, 5, 8, 9, 9A, and 10, paras. [0080], [0085-87], [0093], and [0100-0104]).

PRINCIPLES OF LAW

Anticipation pursuant to 35 U.S.C § 102 is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art.

In an appeal from a rejection for anticipation, the Appellants must explain which limitations are not found in the reference. *See Gechter v. Davidson*, 116 F.3d 1454, 1460 (Fed. Cir. 1997) ("[W]e expect that the Board's anticipation analysis be conducted on a limitation by limitation

basis, with specific fact findings for each *contested* limitation and satisfactory explanations for such findings.”)(emphasis added). *See also In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (“On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.”) (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

Section 103 forbids issuance of a patent when ‘the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.’

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 405 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) where in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). *See also KSR*, 550 U.S. at 407 (“While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.”)

In *KSR*, the Supreme Court emphasized “the need for caution in granting a patent based on the combination of elements found in the prior art,” *id.* at 415, and discussed circumstances in which a patent might be determined to be obvious. In particular, the Supreme Court emphasized that “the principles laid down in *Graham* reaffirmed the ‘functional approach’ of *Hotchkiss*, 11 How. 248.” *KSR*, 550 U.S. at 415 (citing *Graham*, 383 U.S. at

12), and reaffirmed principles based on its precedent that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* The Court explained:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.

Id. at 417. The operative question in this “functional approach” is thus “whether the improvement is more than the predictable use of prior art elements according to their established functions.” *Id.*

ANALYSIS

Claims 1-4, 6, 9, and 10

We select claim 1 as representative of this group of claims, pursuant to our authority under 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that Takahashi fails to disclose “a base and a platform configured to dock with the camera and configured to couple to the base such that the platform may be rotated relative to the base and about an axis of rotation” (App. Br. 5, Reply Br. 3-4). Appellants argue that the base 602 and platform 604 of Takahashi do not couple directly together (App. Br. 5, Reply Br. 4, FF 5). Appellants further contend that there is an intermediate element 702 between the base 602 and platform 604, which

provides an effect “opposite” to that of coupling base 602 and platform 604 (App. Br. 5-6, Reply Br. 3-4, FF 5). Appellants argue further that the coupling portion 702 does not meet the limitation of claim 1 that recites “configured to couple” (App. Br. 6, Reply Br. 3). In addition, Appellants argue that the Examiner’s use of extrinsic evidence to define the term ‘couple’ is based on a faulty grammatical premise, and hence is in error (App. Br. 6, Reply Br. 3). Finally, Appellants contend that the extrinsic evidence defines the word ‘couple’ as a *noun*, yet claim 1 requires that ‘couple’ be a *verb* (App. Br. 6, Reply Br. 3).

The Examiner finds that Takahashi teaches each and every element of claim 1 (Ans. 11, FF 5). Specifically, the Examiner finds that Takahashi discloses a platform 604 configured to dock with the camera 510 and configured to couple to the base 602 such that the platform 604 may be rotated relative to the base 602 and about an axis of rotation (Ans. 11, FF 5). The Examiner notes that Takahashi discloses a coupling portion 702 between the base 602 and the platform 604 (Ans. 11, FF 5). The Examiner uses the American Heritage College Dictionary to define the words “coupling” and “couple” (Ans. 11). The Examiner notes that these definitions were used to support the finding that Takahashi discloses a platform configured to dock with the camera and configured to couple to the base such that the platform may be rotated relative to the base and about an axis of rotation as required by claim 1 (Ans. 11).

We are not persuaded by Appellants’ arguments. We agree with the Examiner’s finding that Takahashi teaches “a base and a platform configured to dock with the camera and configured to couple to the base such that the platform may be rotated relative to the base and about an axis

of rotation” (Ans. 11-12). Appellants’ Specification shows that camera connector member 402, connector 404, and wire connector 406 serve as a coupling portion that couple platform 104 and base 106 together (FF 4). Further, we construe coupling portion 702 and camera mounting unit 604 (comprised of a setup portion 605 and lower portion 606 coupled together) as corresponding to the claimed “platform,” and we construe leg portion 602 as corresponding to the claimed “base” 106 (FF 1, 4, and 5).

We therefore find no error in the Examiner’s rejection of claim 1 under 35 U.S.C. § 102, nor that of claims 2-4, 6, 9 and 10 not separately argued with particularity, and we will sustain the rejection of these claims.

Claims 11-14

We select claim 11 as representative of this group of claims, pursuant to our authority under 37 C.F.R. § 41.37(c)(1)(vii).

Claim 11 requires “coupling the camera to a docking station platform; and rotating the camera relative to the base and about an axis of rotation, the rotation permitted by the docking station platform configured to couple to a docking station base such that the docking station platform may be rotated about the axis of rotation.”

Appellants argue that claim 11 is allowable for the same reasons presented with regard to respective independent claim 1 (App. Br. 7, FF 5). Claim 11 has the same limitations as claim 1; thus, our analysis of claim 11 is the same as the analysis for claim 1.

As noted *supra*, we affirmed the rejection of claim 1. Because Appellants have failed to identify any error in the Examiner's rejection of claim 11 under 35 U.S.C. § 102, we affirm the Examiner's rejection of claim 11 under 35 U.S.C. § 102 as being anticipated by Takahashi, as well as that of dependent claims 12-14 not separately argued with particularity.

Claims 15-19

We select claim 15 as representative of this group of claims, pursuant to our authority under 37 C.F.R. § 41.37(c)(1)(vii).

Claim 15 requires "a means for physically coupling the camera to a docking station platform; means for communicatively coupling the camera to a docking station platform; and means for rotating the camera relative to a docking station base and about an axis of rotation, the rotation permitted by the docking station platform configured to couple to the docking station base such that the docking station platform may be rotated about the axis of rotation."

Appellants argue that claim 15 is allowable for the same reasons presented with regard to respective independent claim 1 (App. Br. 9, FF 5). Claim 15 has the same limitations as claim 1, thus our analysis of claim 15 is the same as the analysis for claim 1.

As noted *supra*, we affirmed the rejection of claim 1. Because Appellants have failed to identify any error in the Examiner's rejection of claim 15 under 35 U.S.C. § 102, we affirm the Examiner's rejection of claim 15 under 35 U.S.C. § 102 as being anticipated by Takahashi, as well as that of dependent claims 16-19 not separately argued with particularity.

Claim 5

Appellants argue that claim 5 is allowable for the reasons presented with regard to respective independent claim 1 (App. Br. 11, FF 5 and 6). As noted *supra*, we affirmed the rejection of claim 1. Appellants have not presented any argument as to why claim 5 is separately patentable, other than alleging that Omps fails to cure the deficiencies of Takahashi. Because Appellants have failed to identify any error in the Examiner's rejection of claim 1 under 35 U.S.C. § 102, we affirm the Examiner's rejection of claim 5 under 35 U.S.C. § 103 over Takahashi in view of Omps.

Claims 7, 8, and 20

Appellants argue that claims 7, 8, and 20 are allowable for the reasons presented with regard to respective independent claim 1 (App. Br. 12, FF 5 and 7). As noted *supra*, we affirmed the rejection of claim 1. Appellants have not presented any argument as to why these claims are separately patentable, other than alleging that Rudduck fails to cure the deficiencies of Takahashi. Because Appellants have failed to identify any error in the Examiner's rejection of claim 1 under 35 U.S.C. § 102, we affirm the Examiner's rejection of claim 7 under 35 U.S.C. § 103 over Takahashi in view of Rudduck and that of dependent claims 8 and 20 not separately argued with particularity.

CONCLUSIONS OF LAW

Appellants have not shown that the Examiner erred in holding that Takahashi teaches a base and a platform configured to dock with the camera and configured to couple to the base such that the platform may be rotated relative to the base and about an axis of rotation.

ORDER

The Examiner's rejection of claims 1-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD

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